**In The United States Patent and Trademark Office
On Appeal From The Examiner To The Board
of Patent Appeals and Interferences**

In re application of:	Richard L. Davis
Serial No.:	10/044,430
Filing Date:	January 11, 2002
Group Art Unit:	3693
Confirmation No.:	8533
Examiner:	Sara M. Chandler
Title:	Web-Based Method and Implementation for Procurement Goods and Services

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Appeal Brief

Appellant has appealed to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 26, 2007 finally rejecting Claims 1-4, 6-20, 23-33, 36-42, 44 and 45, all of which are pending in this case. Appellant filed a Notice of Appeal on April 24, 2007. Appellant respectfully submits this Appeal Brief with the small entity statutory fee of $250.00.

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Real Party In Interest

This application is currently owned by the sole inventor, Richard L. Davis.

Related Appeals and Interferences

There are no known appeals or interferences which will directly affect or be directly affected by or have a bearing on the Board's decision regarding this appeal.

Status of Claims

Claims 1-4, 6-20, 23-33, 36-42, 44 and 45 are pending in this application. Claims 1-4, 6-20, 23-33, 36-42, 44 and 45 are rejected pursuant to a final Office Action mailed February 26, 2007, and are all presented for appeal. All pending claims are shown in Appendix A.

Status of Amendments

All amendments submitted by Appellant were entered by the Examiner before the issuance of the final Office Action mailed February 26, 2007.

Summary of Claimed Subject Matter

Independent Claim 1 of the present invention recites a method of management for procurement bidding that includes receiving a request for quote including requirement information from a buyer for a predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 4, line 15 – Page 5, line 14) and packaging the requirement information into a bid/auction presentation for the predetermined transaction, where the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 5, line 15 – Page 6, line 7). In addition, the method includes selecting a number of sellers to each respectively provide at least one competitive bid for the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 6, lines 8-11). The method also includes displaying the bid/auction for inspection to the plurality of sellers (as an example only and not by way of limitation; see Figure 1 and Page 7, lines 5-12) and moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11). Moreover, the method includes presenting bid results to the buyer for selection of winning bid from among the sellers (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 12-19).

Independent Claim 17 recites a web-based method of management for procurement bidding that includes receiving requirement information from a buyer for a predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 4, line 15 – Page 5, line 14) and packaging the requirement information into a bid/auction presentation for the predetermined transaction, where the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 5, line 15 – Page 6, line 7). The method also includes electronically displaying the

bid/auction presentation for inspection by a plurality of sellers (as an example only and not by way of limitation; see Figure 1 and Page 7, lines 5-12) and utilizing an electronic interface to moderate a bid/auction based on the bid/auction presentation for a predetermined interval (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11). In addition, the method includes electronically enabling the plurality of sellers to input a plurality of competitive bids on the bid/auction presentation into a web page (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11) and electronically presenting bid results to the buyer for selection of winning bid from among the sellers (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 12-19).

Independent Claim 30 recites software for management of a network-based procurement process that is embodied in a computer-readable medium and that is operable when executed on a computer to receive requirement information from a buyer for a predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 4, line 15 – Page 5, line 14) and package the requirement information into a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 5, line 15 – Page 6, line 7). The software is further operable to display the bid/auction presentation for inspection by a plurality of sellers (as an example only and not by way of limitation; see Figure 1 and Page 7, lines 5-12) and moderate a bid/auction based on the bid/auction presentation for a predetermined auction interval (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11). In addition, the software is operable to enable the plurality of sellers to submit a plurality of competitive bids on the auction presentation (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11) and present bid results to the buyer for selection of winning bid from among the sellers (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 12-19).

Independent Claim 44 recites a method of management for procurement bidding that includes receiving a request for quote including requirement information from a buyer for a

predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 4, line 15 – Page 5, line 14) and packaging the requirement information into a bid/auction presentation for the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 5, line 15 – Page 6, line 7). In addition, the method includes selecting a number of sellers to each respectively provide at least one competitive bid for the predetermined transaction, where the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise (as an example only and not by way of limitation; see Figure 1 and Page 6, lines 8-26). The method also includes displaying the bid/auction for inspection to the plurality of sellers (as an example only and not by way of limitation; see Figure 1 and Page 7, lines 5-12) and moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11). Moreover, the method includes presenting bid results to the buyer for selection of winning bid from among the sellers (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 12-19).

Independent Claim 45 recites a method of management for procurement bidding that includes receiving a request for quote including requirement information from a buyer for a predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 4, line 15 – Page 5, line 14) and packaging the requirement information into a bid/auction presentation for the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 5, line 15 – Page 6, line 7). In addition, the method includes selecting a number of sellers to each respectively provide at least one competitive bid for the predetermined transaction (as an example only and not by way of limitation; see Figure 1 and Page 6, lines 8-26). The method also includes displaying the bid/auction for inspection to the plurality of sellers (as an example only and not by way of limitation; see Figure 1 and Page 7, lines 5-12). Moreover, the method includes soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, where the comments obtained are made available to all of the respective plurality of sellers, and where the step of soliciting feedback is repeated to enable the sellers to provide further comments on

each other's comments (as an example only and not by way of limitation; see Figure 1 and Page 7, line 13 – Page 8, line 10). The method also includes moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 5-11) and presenting bid results to the buyer for selection of winning bid from among the sellers (as an example only and not by way of limitation; see Figure 1 and Page 9, lines 12-19).

Grounds of Rejection to be Reviewed on Appeal

Appellant requests that the Board review the Examiner's rejection of Claims 1-4, 6-20, 23-33, 36-42, 44 and 45 under U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2003/0004850 issued to Li ("*Li*") in view of U.S. Publication No. 2004/0073507 issued to Scott ("*Scott*").

Argument

The Examiner's rejection of Claims 1-4, 6-20, 23-33, 36-42 and 44-45 is improper, and the Board should withdraw this rejection for the reasons given below.

I.   **The Examiner's Rejection of Claims 1-4, 6-20, 23-33, 36-42 and 44-45 Under 35 U.S.C. § 103(a) is Improper**

The Final Office Action rejected Claims 1-4, 6-20, 23-33, 36-42, 44 and 45 under U.S.C. § 103(a) as being unpatentable over *Li* in view of *Scott*. Appellant disagrees with this rejection for the reasons provided below.

A.   **Independent Claims 1, 17 and 30 Are Allowable**

Claim 1 of the present application includes the following limitations:

A method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction;

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction;

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction;

displaying the bid/auction for inspection to the plurality of sellers;

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and

presenting bid results to the buyer for selection of winning bid from among the sellers.

Independent Claims 17 and 30 include similar, although not identical, limitations.

In order to establish a *prima facie* case of obviousness, three requirements must be met: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge available to one skilled in the art, to modify a reference or combine multiple

references; (2) there must be a reasonable expectation of success; and (3) the prior art reference (or combination of references) must teach or suggest all of the claim limitations. M.P.E.P. § 2143. In the present case, a *prima facie* case of obviousness cannot be maintained for at least because (assuming for the sake of argument that the references suggest or motivate a combination of the references) *Li* and *Scott,* whether considered singly, in combination with one another, or in combination with information generally available to those of ordinary skill in the art at the time of the invention, fail to disclose all of the elements of the pending claims.

For example, neither *Li* or *Scott* disclose "packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction." The Examiner indicates that the limitation quoted above is disclosed in *Li* in Figure 2 and at Paragraph 0057. Specifically, the Final Office Action refers to the disclosure of *Li* that the data in the RFQ defines a set of buyer constraints that must be made known to the suppliers in order for the suppliers to formulate a bid. However, this disclosure is analogous to the claimed "receiving a request for quote including requirement information from a buyer for a predetermined transaction" (where the described buyer constraints are an example of the claimed "requirement information"). However, there is no disclosure that the requirement information received in the RFQ is then packaged into a *bid/auction presentation* in a *standardized format*. *Li* simply discloses that the received RFQ is simply made available to the suppliers. There is nothing disclosed as happening between receipt of the RFQ and making it available to the suppliers.

Furthermore, Appellant notes that in the "Response to Arguments" section of the Final Office Action, the Examiner appears to be equating the "packaging" limitation at issue here to the formulation of bids by the suppliers. Specifically, the Examiner states the following:

> In Li, the requirements are called "buyer constraints" and are made known to the suppliers so that they may "formulate their bid". Formulating a bid is the same as expressing the bid in a precise, systematic or standard form.

Furthermore, the "auction process" is published. Publishing is the same as producing and presenting something publicly.

Final Office Action, pp. 20-21. Appellant notes that the formulation of a bid by a supplier has nothing to do with the recited "packaging" limitation. As is clear in the claim, the requirement information is packaged into a bid/auction presentation and then this bid/auction presentation is displayed to a plurality of sellers to enable a bid/auction. Thus, it does not make sense to equate the formulation of a bid by a supplier/seller with the packaging of requirement information from a buyer into a bid/auction presentation.

For at least these reasons, Appellant respectfully requests reconsideration and allowance of Claim 1, as well as the claims that depend from this independent claim. In addition, independent Claims 17 and 30 include similar limitations to those discussed above and thus are allowable for analogous reasons. Thus, Appellant respectfully requests reconsideration and allowance of Claims 17 and 30, as well as the claims that depend from these independent claims.

B.   Dependent Claims 9, 27 and 40 Are Allowable

In addition to depending on an allowable independent claim, many of the dependent claims include additional limitations that are also not disclosed in the cited references. As an example only, dependent Claim 9 recites "prior to the step of moderating an auction, a step is provided for soliciting a closed bid from each of the plurality of sellers, wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined auction interval." Claims 27 and 40 recite similar, although not identical, limitations. However, neither *Li* or *Scott* disclose such a limitation. The passages of *Li* cited by the Examiner only disclose that the auction can be open or closed, and not that there can be both closed bids from sellers *and* an open auction where the closed bids establish an opening auction bidding level.

In the "Response to Arguments" section of the Final Office Action, the Examiner argues that it is inherent in an auction where closed bids are accepted that "the bids submitted in closed bids will create a minimum floor or benchmark (i.e., opening auction bidding level)

that is necessary to successfully win the auction." *Final Office Action, p. 21.* Appellant submits that such a teaching is not inherent in the disclosure of a closed auction. Regarding inherency, "[t]he fact that a certain result or characteristic <u>may</u> occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." M.P.E.P § 2112 (citing *In re Rijckaert,* 9 F.3d 1531, 1534, 28 U.S.P.Q.2d 1955, 1957 (Fed. Cir. 1993) (*emphasis original*). Thus, in relying upon the theory of inherency, an Examiner must provide a basis in fact and/or technical reasoning to support the determination that the allegedly inherent characteristic <u>necessarily</u> flows from the teachings of the applied prior art. M.P.E.P § 2112 (citing *Ex Parte Levy,* 17 U.S.P.Q.2d 1461, 1464 (Bd. Pat. at App. and Inter. 1990) (*emphasis original*). Appellant respectfully submits that the Examiner has not met this burden since using closed bids to establish an opening auction bidding level does not necessarily flow from the brief mention in *Li* of a closed auction. As just an example, the buyer could just choose a winning bid from the closed bids and not have an open auction at all.

For at least this additional reason, in addition to their dependence on an allowable independent claim, Appellant respectfully requests reconsideration and allowance of Claims 9, 27 and 40.

C.   Dependent Claims 20 and 33 Are Allowable

As another example, dependent Claim 20 recites receiving the required information "from input fields on a web page for submitting information on at least one of: specifications, technical parameters, and deadlines with respect to the predetermined transaction." Claim 33 recites similar, although not identical, limitations. The Examiner rejects these claims under the same rationale as Claim 4, but Claim 4 does not require inputting information via input fields for receiving the information. Furthermore, neither *Li* or *Scott* disclose such a limitation. *Li* only discloses that a buyer electronically submits an RFQ.

In response to the preceding argument, the Examiner argues in the "Response to Arguments" section of the Final Office Action that "[b]roadly providing automatic or mechanical means to replace a manual activity which accomplishes the same result is not

sufficient to distinguish over the prior art" (citing *In re Venner*). Appellant is unclear how the cited case is relevant to this situation since the cited art does not disclose a manual analogue of the recited limitation. The cited passage of *Li* simply discloses that an RFQ is submitted by the buyer to a server. There is no disclosure of submitting information in input fields using any technique.

For at least this additional reason, in addition to their dependence on an allowable independent claim, Appellant respectfully requests reconsideration and allowance of Claims 20 and 33.

D.   Independent Claim 44 Is Allowable

Independent Claim 44 recites the following limitations:

> A method of management for procurement bidding comprising the steps of:
> receiving a request for quote including requirement information from a buyer for a predetermined transaction;
> packaging the requirement information into a bid/auction presentation for the predetermined transaction;
> selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction, wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise;
> displaying the bid/auction for inspection to the plurality of sellers;
> moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and
> presenting bid results to the buyer for selection of winning bid from among the sellers.

As discussed above with respect to Claim 1, the cited art does not disclose "packaging the requirement information into a bid/auction presentation for the predetermined transaction." In addition, the cited references do not disclose "selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction, wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise," as recited in Claim

44. The Examiner indicates that this limitation is disclosed in *Scott*. However, *Scott* only discloses that the buyers or other personnel can identify sellers to participate in an auction, particularly those suppliers that have been "qualified." However, qualification of suppliers appears to be a threshold requirement for suppliers to participate in an auction in *Scott*. Thus, a pool of qualified suppliers is not reasonably construed as a "category of a membership database" from which particular sellers can be selected for participation in an auction. Furthermore, the selection of "qualified" suppliers in *Scott* is not done to "*match* buyer requirement information with appropriate seller expertise," as required by Claim 44.

Finally, the Examiner's broad interpretation of the limitation being discussed is not consistent with the Appellant's application, which distinguishes the qualification of sellers from the selection of a seller from an appropriate category of a membership database. For example, the application states the following:

> After the bid/auction presentation is prepared, a step follows of selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction. *The plurality of sellers are preferably pre-qualified bidders, having membership participation on the auction/procurement service. Sellers are selected from an appropriate category of an online membership database of sellers to match the requirements of the project RFQ.* The database is preferably electronically retrievable and can include demographic information for the buyers and sellers, and can indicate market distribution based on service areas or other geographical segments. The database can also indicate a seller's product and service capabilities, manufacturing and equipment capabilities, logistics and freight information, and any client or trade references, such as Dun & Bradstreet rating, and financial history.

Page 6, lines 8-18 (emphasis added). As noted by the M.P.E.P.:

> The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." . . . The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.

M.P.E.P. § 2111. Appellant submits that the Examiner's interpretation is not consistent with the Appellant's specification under this standard and thus is improper.

For at least these reasons, Appellant respectfully requests reconsideration and allowance of Claim 44.

E. Independent Claim 45 Is Allowable

Independent Claim 45 recites the following limitations:

> A method of management for procurement bidding comprising the steps of:
> receiving a request for quote including requirement information from a buyer for a predetermined transaction;
> packaging the requirement information into a bid/auction presentation for the predetermined transaction;
> selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction;
> displaying the bid/auction for inspection to the plurality of sellers;
> soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments;
> moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and
> presenting bid results to the buyer for selection of winning bid from among the sellers.

As discussed above with respect to Claim 1, the cited art does not disclose "packaging the requirement information into a bid/auction presentation for the predetermined transaction." In addition, the cited references do not disclose "soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments." The Examiner indicates that such limitations are

disclosed in *Li* at Paragraph 0060. However, this passage simply discloses negotiations between the buyer and a supplier. None of the above-quoted requirements of the "soliciting feedback" limitation are disclosed. The mere disclosure of negotiations between the buyer and a supplier is not a disclosure of the particular requirements recited in this limitation. As an example, what does negotiations between a buyer and supplier/seller have to do with making one seller's comment available to all sellers and enabling the sellers to make comments on each other's comments. For at least these reasons, Appellant respectfully requests reconsideration and allowance of Claim 45.

Conclusion

Appellant has demonstrated that the present invention, as claimed, is clearly distinguishable over the prior art cited by the Examiner. Therefore, Appellant respectfully requests the Board of Patent Appeals and Interferences to reverse the final rejection of the Examiner and instruct the Examiner to issue a notice of allowance of all claims.

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Respectfully submitted,

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Appendix A: Claims on Appeal

1.   (Previously Presented)   A method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction;

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction;

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction;

displaying the bid/auction for inspection to the plurality of sellers;

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and

presenting bid results to the buyer for selection of winning bid from among the sellers.

2.   (Original)   The method of Claim 1 wherein the predetermined transaction comprises at least one of goods and services to be provided from at least one of the sellers to the buyer.

3.   (Previously Presented) The method of Claim 2 wherein the goods and services are selected from a group consisting of at least one of: products to be manufactured, non-resale retail items, shipping services, storage/warehousing services, general construction services, security services, fixtures, displays, design, installation, merchandising services, graphics products and services, supplies, building materials.

4.   (Original)   The method of Claim 1 wherein the step of receiving required information comprises receiving information on at least one of specifications, technical parameters, and deadlines with respect to the predetermined transaction.

5.   (Canceled)

6.   (Original) The method of Claim 1 wherein the step of selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise.

7.   (Original) The method of Claim 1 wherein, following the step of displaying the bid/auction presentation, a step is provided of soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation.

8.   (Original) The method of Claim 7 wherein the comments obtained from the step of soliciting feedback are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments.

9.   (Original) The method of Claim 1 wherein, prior to the step of moderating an auction, a step is provided for soliciting a closed bid from each of the plurality of sellers, wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined auction interval.

10.   (Original) The method of Claim 1 wherein, prior to the step of moderating an auction, a step is provided for establishing a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids.

11.   (Original) The method of Claim 1 wherein the step of presenting bid results comprises presenting at least one report selected from at least one of: bid/auction history, seller input, and seller comment history.

12.   (Original)   The method of Claim 1 wherein the steps of displaying the bid/auction presentation for inspection to the plurality of sellers and moderating a bid/auction for a predetermined auction interval are performed electronically over a network.

13.   (Original)   The method of Claim 12 wherein the steps of displaying the bid/auction presentation for inspection to the plurality of sellers and moderating a bid/auction for a predetermined auction interval are performed electronically over an Internet connection.

14.   (Original) The method of Claim 12 wherein the step of receiving a request for quote including requirement information from a buyer and the step of presenting bid results to the buyer are performed electronically over a network.

15.   (Original)   The method of Claim 12 wherein the step of packaging the requirement information into a bid/auction presentation comprises producing the bid/auction presentation in an electronically retrievable format so as to enable electronic retrieval of the bid/auction presentation by the plurality of sellers over the network.

16.   (Original) The method of Claim 12 wherein the step of selecting a plurality of sellers comprises selecting sellers from an electronically retrievable database of sellers.

17.   (Previously Presented) A web-based method of management for procurement bidding comprising the steps of:

receiving requirement information from a buyer for a predetermined transaction;

packaging the requirement information into a bid/auction presentation for the predetermined transaction, wherein the packaging comprises generating a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction;

electronically displaying the bid/auction presentation for inspection by a plurality of sellers;

utilizing an electronic interface to moderate a bid/auction based on the bid/auction presentation for a predetermined interval;

electronically enabling the plurality of sellers to input a plurality of competitive bids on the bid/auction presentation into a web page; and

electronically presenting bid results to the buyer for selection of winning bid from among the sellers.

18.   (Original) The web-based method of Claim 17 wherein the predetermined transaction comprises at least one of goods and services to be provided from at least one of the sellers to the buyer.

19.   (Previously Presented) The web-based method of Claim 18 wherein the goods and services are selected from a group consisting of at least one of: products to be manufactured, non-resale retail items, shipping services, storage/warehousing services, general construction services, security services, fixtures, displays, design, installation, merchandising services, graphics products and services, supplies, building materials.

20.   (Original) The web-based method of Claim 17 wherein the step of receiving required information comprises electronically receiving the information from input fields on a web page for submitting information on at least one of: specifications, technical parameters, and deadlines with respect to the predetermined transaction.

21.   (Canceled)

22.   (Canceled)

23.   (Original)   The web-based method of Claim 17 further comprising an electronically selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction.

24.   (Original)   The web-based method of Claim 23 wherein the step of electronically selecting a plurality of sellers comprises selecting sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise.

25.   (Original) The web-based method of Claim 17 further comprising the step of electronically enabling the plurality of sellers to input comments into a forum input web page with at least one of requesting more information and proposing alternatives to the requirement information specified in the bid/auction presentation.

26.   (Original) The web-based method of Claim 25 further comprising the step of displaying the comments obtained from the forum input web page on a forum output web page viewable by all of the respective plurality of sellers, and further comprising the optional step of electronically enabling the plurality of sellers to input further comments into the forum input web page to provide further comments to the comments of the respective other sellers.

27.   (Original) The web-based method of Claim 17 further comprising the step of electronically soliciting the plurality of sellers to input a closed bid into a web page, wherein the solicited closed bids are displayed which can be used to establish an opening auction bidding level prior to the predetermined auction interval.

28.   (Original) The web-based method of Claim 17 wherein the step of utilizing an electronic interface to moderate an auction comprises establishing a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids.

29.   (Original)   The web-based method of Claim 17 wherein the step of electronically presenting bid results comprises means for displaying at least one report selected from at least one of: auction history, seller input and seller comment history.

30. (Previously Presented) Software for management of a network-based procurement process, the software embodied in a computer-readable medium and operable when executed on a computer to:

receive requirement information from a buyer for a predetermined transaction;

package the requirement information into a bid/auction presentation in a standardized format including at least one of descriptions, specifications, technical parameters, deadlines, and static and interactive graphical renderings with respect to the predetermined transaction;

display the bid/auction presentation for inspection by a plurality of sellers;

moderate a bid/auction based on the bid/auction presentation for a predetermined auction interval;

enable the plurality of sellers to submit a plurality of competitive bids on the auction presentation; and

present bid results to the buyer for selection of winning bid from among the sellers.

31. (Previously Presented) The software of Claim 30 wherein the predetermined transaction comprises at least one of goods and services to be provided from at least one of the sellers to the buyer.

32. (Previously Presented) The software of Claim 31 wherein the goods and services are selected from a group consisting of at least one of: products to be manufactured, non-resale retail items, shipping services, storage/warehousing services, general construction services, security services, fixtures, displays, design, installation, merchandising services, graphics products and services, supplies, building materials.

33. (Previously Presented) The software of Claim 30 further operable to receive the requirement information from a buyer for a predetermined transaction via input fields for submitting information on at least one of: specifications, technical parameters, and deadlines with respect to the predetermined transaction.

34. (Canceled)

35. (Canceled)

36. (Previously Presented) The software of Claim 30 further operable to enable the selection of a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction.

37. (Previously Presented) The software of Claim 36 further operable to enable the selection of sellers from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise.

38. (Previously Presented) The software of Claim 30 further operable to receive comments from the sellers with at least one of requesting more information and proposing alternatives to the requirement information specified in the bid/auction presentation.

39. (Previously Presented) The software of Claim 38 further operable to display the comments to all of the respective plurality of sellers, and enable the sellers to provide further comments on each other's comments.

40. (Previously Presented) The software of Claim 30 further solicit a closed bid from each of the plurality of sellers, wherein the solicited closed bids establish an opening auction bidding level prior to the predetermined reverse auction interval.

41. (Previously Presented) The software of Claim 30 further operable to establish a predetermined bid decrement to be used by the plurality of sellers in submitting competitive bids.

42. (Previously Presented) The software of Claim 30 further operable to display at least one report selected from at least one of: auction history, seller input, and seller comment history.

43. (Canceled)

44.   (Previously Presented)   A method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction;

packaging the requirement information into a bid/auction presentation for the predetermined transaction;

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction, wherein the sellers are selected from an appropriate category of a membership database of sellers so as to match buyer requirement information with appropriate seller expertise;

displaying the bid/auction for inspection to the plurality of sellers;

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and

presenting bid results to the buyer for selection of winning bid from among the sellers.

45.   (Previously Presented)   A method of management for procurement bidding comprising the steps of:

receiving a request for quote including requirement information from a buyer for a predetermined transaction;

packaging the requirement information into a bid/auction presentation for the predetermined transaction;

selecting a plurality of sellers to each respectively provide at least one competitive bid for the predetermined transaction;

displaying the bid/auction for inspection to the plurality of sellers;

soliciting feedback so as to enable the sellers to provide comments with at least one of requesting more information and proposing alternatives to the requirement information specified in the auction presentation, wherein the comments obtained are made available to all of the respective plurality of sellers, and wherein the step of soliciting feedback is repeated to enable the sellers to provide further comments on each other's comments;

moderating a bid/auction for a predetermined interval to enable the plurality of sellers to submit a plurality of competitive bids; and

presenting bid results to the buyer for selection of winning bid from among the sellers.

Appendix B: Evidence

NONE

Appendix C: Related Proceedings

NONE